

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
Honorable Edward J. Davila
Courtroom 4 - 5th Floor**

**TITLE: *UNITED STATES v. RAMESH SUNNY BALWANI*
CASE NUMBER: 5:18-CR-00258-2 EJD**

Minute Order and Trial Log

Date: April 19, 2022

Time in Court: 8:34-9:13 AM; 9:18-11:48 AM; 12:26-2:16 PM; 2:38-4:24 PM
(TOTAL Time: 6 hrs, 45 min)

Courtroom Deputy Clerk: Cheré Robinson
Court Reporter: Irene Rodriguez

APPEARANCES:

Plaintiff Attorney(s) present: Jeffrey Schenk, John Bostic
Also present: Paralegals – Maddi Wachs; Sara Slattery

Defendant Attorney(s) present: Jeffrey Coopersmith, Amy Walsh, Stephen Cazares,
Aaron Brecher, Shawn Estrada, Sachi Schuricht,
Molly McCafferty

Also present: Paralegal – Jennifer Cygnor
Also present: Ramesh Sunny Balwani (out-of-custody)

PROCEEDINGS:

Motion Hearing and Jury Trial (Day 19):

Motion Hearing: 39 min. (8:34-9:13 AM)

Hearing on [1401] Defendant's Motion to Allow Cross-Examination Relating to Dr. Adam Rosendorff's Post-Theranos Employment, and [1406] Defendant's Motion Curative Instruction on Theranos Devices Sent to Walgreens. Argument of Counsel heard.

Jury Trial: 6 hrs, 6 min. (9:18-11:48 AM; 12:26-2:16 PM; 2:38-4:24 PM)

Jury Trial held April 19, 2022. Testimony held and evidence entered.
Further Jury Trial set for April 20, 2022, at 9:00 AM.

See attached Trial Log.

The following exhibits were identified and offered:

Plaintiffs: 617, 966, 1113, 1254, 1387, 3755, 1711, 1755, 1884, 1896, 1909, 2214, 2275
Defendants: 20531, 20531, 20553, 20432, 20432, 1673, 1708, 20234, 1861, 20228, 1891

The following exhibits are admitted into evidence:

Plaintiffs: 617, 966, 1113, 1254, 1387, 3755, 1711, 1755, 1884, 1896, 1909, 2214, 2275
Defendants: 20531, 20532, 20432, 1673, 1708, 20234, 1861, 20228, 1891

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

HONORABLE EDWARD J. DAVILA

Case Name: *United States v. Ramesh Sunny Balwani*
Case No: 5:18- CR-00258-2 EJD

TRIAL LOG

| TRIAL DATE: April 19, 2022 | | | REPORTER(S): Irene Rodriguez | CLERK: Chéré Robinson |
|-----------------------------------|------|----------|---|---------------------------------|
| PLF | DEFT | TIME | DESCRIPTION | |
| | | 8:34 AM | Court in session outside of presence of Jury and witness | |
| | | | Hearing held on [1401] Defendant's Motion to Allow Cross-Examination Relating to Dr. Adam Rosendorff's Post-Theranos Employment, and [1406] Defendant's Motion Curative Instruction on Theranos Devices Sent to Walgreens | |
| | | 9:13 AM | Motion hearing concludes; further hearing on [1401] | |
| | | 9:18 AM | Court in session in presence of Jury. | |
| | | | Court addresses Jury re previous admonishment and potential trial scheduling | |
| | | 9:20 AM | Witness #7 Nimesh Jhaveri sworn and takes the Witness Stand. | |
| | | 9:21 AM | Government begins direct examination of Nimesh Jhaveri | |
| | | 9:33 AM | Ex. 372 – Previously Admitted | |
| 617 | | 9:43 AM | ADMITTED into Evidence: 2012-06-05 Amended and Restated Theranos Master Service Agreement (Walgreens/Theranos) | |
| 966 | | 10:08 AM | ADMITTED into Evidence (adding pp. 7 and 8 to previously admitted Exhibit 966A): 2013-08-14 Young Email to C. Holmes, Edlin, E. Holmes, Balwani, Blickman re demo results 8_13_2013 - pp. 7-8 – 2013-08-13 Theranos Test Report Technology Demonstration (Nimesh Jhaveri) | |
| | | 10:12 AM | Ex. 957 – Previously Admitted | |
| 1113 | | 10:15 AM | ADMITTED into Evidence: 2013-09-09 Theranos/Walgreens Press Release, <i>Theranos Selects Walgreens as a Long-Term Partner Through Which to Offer Its New Clinical Laboratory Service</i> | |

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|----------------------------|------|----------|---|--------------------------|
| PLF | DEFT | TIME | DESCRIPTION | |
| 1254 | | 10:20 AM | ADMITTED into Evidence (body content admitted not for truth of matter, but for limited purpose of knowledge and intent of Mr. Balwani): 2013-11-18 Balwani Email to Rosan and Wasson re Theranos post from SingularityHub, and body re linked article: <i>Small, Fast and Cheap, Theranos Is the Poster Child of Med Tech – and It's in Walgreens</i> , SINGULARITYHUB.COM, http://singularityhub.com/2013/11/18/small-fast-and-cheap-theranos-is-the-post-child-of-med-tech-and-its-in-walgreens/ | |
| 1387 | | 10:27 AM | ADMITTED into Evidence: 2013-12-31 Amended and Restated Theranos Master Services Agreement (Theranos/Walgreens) | |
| 3755 | | 10:35 AM | ADMITTED into Evidence: 2010-12-17 – 2014-03-05 Walgreens Program Charter: Diagnostic Testing re Theranos Bloodtesting Services | |
| 1711 | | 10:46 AM | ADMITTED into Evidence – 2014-03/14, 2014 05-06 Jhaveri Meeting Invite, and Haworth Email re Diagnostic Testing Executive Steering Committee Slide Deck, and attachment – Walgreens Presentation entitled <i>Diagnostic Testing – Theranos Partnership</i> , Executive Steering Committee Meeting, May 6, 2014 | |
| 1755 | | 11:03 AM | ADMITTED into Evidence: 2014-06-03 Haworth Email re 5/28 Walgreens-Theranos Partnership Meeting Minutes and Action Items, and attachment – Partnership Meeting Minutes 05-8-2014.docx | |
| 1884 | | 11:06 AM | ADMITTED into Evidence: 2014-08-11 Haworth Email re REVISED 8/6 Walgreens-Theranos Partnership Meeting Minutes & Slide Deck, and attachments – Partnership Meeting Minutes 08-06-2014.pdf; Partnership Meeting Minutes 08-06-2014.docx; Theranos Walgreens Partnership Meeting August 2014 final.pptx | |
| 1896 | | 11:08 AM | ADMITTED into Evidence: 2014-08-15 Nimesh Email to Balwani and Kozlowski re Thoughts and Goals | |
| 1909 | | 11:13 AM | ADMITTED into Evidence: 2014-08-21 Jhaveri/Balwani Email String re Topics for Discussion | |
| 2214 | | 11:17 AM | ADMITTED into Evidence: 2014-11-18 Haworth Email re 11/18 Walgreens/Theranos Partnership Meeting Agendy & Slide Deck | |
| 2275 | | 11:20 AM | ADMITTED into Evidence: 2014-12-08 Jhaveri Email to Balwani re Contract and Other Topics | |
| | | 11:27 AM | Ex. 5387H – Previously admitted | |
| | | 11:47 AM | Government completes direct examination of Nimesh Jhaveri | |
| | | 11:48 AM | Jury and witness exit Courtroom | |

| TRIAL DATE: April 19, 2022 | | | REPORTER(S): Irene Rodriguez | CLERK: Chéré Robinson |
|-----------------------------------|-------|----------|---|---------------------------------|
| PLF | DEFT | TIME | DESCRIPTION | |
| | | 11:48 AM | Court takes break for 38 minutes. | |
| | | 12:26 PM | Court in session in presence of Jury | |
| | | 12:27 PM | Defense begins cross-examination of Nimesh Jhaveri | |
| Obj | 20531 | 12:43 | Offered into Evidence | |
| | | | Further Foundation to be laid | |
| | 20531 | 12:44 PM | ADMITTED into Evidence: 2013-11-19 Email String re Hopkins – Please read | |
| | 20532 | 12:51 PM | ADMITTED into Evidence: Dec 2015-Jan 2016 Email String re Attorney/Client Privilege Hopkins – Walgreens Follow Up, and attachment JHU-Theranos Meeting Minutes.pdf re 4/27/2010 meeting | |
| Obj | 20553 | 1:05 PM | Offered into Evidence | |
| | | | Objection sustained. Further foundation to be laid | |
| Obj | | 1:08 PM | Re-Offered. | |
| | | | Sustained | |
| | | | Ex. 372 – Previously admitted | |
| | | 1:25 PM | Ex. 1113 – Previously admitted | |
| | 20432 | 1:34 PM | ADMITTED into Evidence: 2013-11-13 Walgreens/Theranos Press Release - <i>Theranos and Walgreens Expand Diagnostic Lab Theranos and Walgreens Expand Diagnostic Lab Testing to the Phoenix Metropolitan Area</i> | |
| | | 1:38 PM | Ex. 3741A – Previously admitted | |
| | | 1:40 PM | Ex. 1387 – Previously admitted | |
| | 1673 | 1:51 PM | ADMITTED into Evidence: 2014-04-15 Jhaveri Email re Diagnostic Testing - Live in 10 stores in Phoenix!! | |
| | 1708 | 1:55 PM | ADMITTED into Evidence: 5/6/2014 Balwani/Jhaveri Email String re details about vp vs fs | |
| | | 1:59 PM | Ex. 1711 – Previously admitted | |

| TRIAL DATE: April 19, 2022 | | | REPORTER(S): Irene Rodriguez | CLERK: Chéré Robinson |
|----------------------------|-------|---------|--|--------------------------|
| PLF | DEFT | TIME | DESCRIPTION | |
| | 20234 | 2:12 PM | ADMITTED into Evidence: 2014-05-23/05-24 Email String re Wave 3 Site Survey Findings | |
| | | 2:16 PM | Court takes break for 22 minutes | |
| | | 2:38 PM | Court in session in presence of Jury and Witness | |
| | | | Defense continues cross-examination of Nimesh Jhaveri | |
| | | 2:41 PM | Ex. 1755 – Previously admitted | |
| | 1861 | 2:56 PM | ADMITTED into Evidence: 2014-07-10 Haworth Email re 7/10 Walgreens-Theranos Partnership Meeting Minutes & Action Items, and attachment – Partnership Meeting Minutes | |
| | 20228 | 3:11 PM | ADMITTED into Evidence: July 2014 Balwani/Wasson/Jhaveri Email String re couple of quick update | |
| | | | Ex. 1884 – Previously admitted | |
| | 1891 | 3:53 PM | ADMITTED into Evidence: Aug 2014 Balwani/Jhaveri Email String re store build out | |
| | | 3:59 PM | Court admonishes Jury before departure | |
| | | | Jury and Witness Nimesh Jhaveri released for day; Juror #8 remains | |
| | | 4:00 PM | Court Seals Courtroom, and in session with Counsel and Juror #8 | |
| | | 4:07 PM | Juror #8 released for day | |
| | | | Court in session with Counsel outside of presence of Jurors and Witnesses to discuss housekeeping matters | |
| | | 4:24 PM | Court adjourned | |
| | | | Jury Trial Continued to April 20, 2022, at 9:00 AM | |